

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RODERICK DUNBAR and
ILENE RIGGINS-DUNBAR,

Plaintiff

vs.

MENARD, INC., a foreign corporation,

Defendant.

Case No.:

Hon.

Mag.

JEFFREY T. STEWART (P24138)
VEN JOHNSON (P39219)
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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION**

TO: Jeffrey T. Stewart
Attorney for Plaintiff

NOW COMES the Defendant, Menard, Inc., by and through its attorneys Garan Lucow Miller, P.C., and in support of this Notice of Removal of Cause to the United States District Court for the Eastern District of Michigan, Southern Division, states as follows:

1. That on or about October 16, 2020, Plaintiff commenced this cause of action in the Circuit Court for the County of Macomb, State of Michigan, by filing Plaintiff's Summons (as issued on November 24, 2020) and Complaint and Jury Demand against the Defendant, Menard, Inc. (see Plaintiff's Summons and Complaint- **Exhibit A**).

2. On or about November 30, 2020, by service on the Corporation Service Company, Plaintiff did serve the Plaintiff's Summons, Complaint and Demand for Jury on Defendant, Menard, Inc. (see **Exhibit B**).

3. That this action is a suit at common law of a civil nature and the amount involved, inclusive of interest and costs, and upon information and belief, is based upon the demand of Plaintiff's counsel on June 25, 2020, for a sum of \$1,500,000.00 (**Exhibit C**), which brings this matter within the jurisdiction of this Court pursuant to 28 USC §1332(a).

4. Plaintiff alleges damages as a result of an alleged incident occurring on June 22, 2020, as against the Defendant which is described in Plaintiff's Complaint, as Paragraphs 7, 8, 9, and 10, for which Plaintiff is demanding \$1,500,000.00 in damages (see **Exhibit C**).

5. Therefore, based upon the foregoing allegations and demand of damages as contained in Plaintiff's Complaint, and Plaintiff's counsel's correspondence (**Exhibits A and C**), Plaintiff's claimed amount in controversy against the Defendant are claimed to have a value in excess of

the sum of \$75,000, and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

6. Defendant, Menard, Inc., shows this Honorable Court that this action involves a controversy between citizens of different states, in that:

(A) Plaintiff, Roderick Dunbar, was, at the time of the commencement of this action, and now is a citizen of the City of Detroit, County of Wayne, State of Michigan. **(Exhibit A, paragraph 1).**

(B) Plaintiff, Ilene Riggins-Dunbar, was, at the time of the commencement of this action, and now is a citizen of the City of Detroit, County of Wayne, State of Michigan. **(Exhibit A, paragraph 2).**

(C) Defendant, Menard, Inc., at the time of the commencement of this action, was, and now is incorporated under the laws of the State of Wisconsin, and by virtue of said incorporation was, and is, a citizen of the State of Wisconsin, and is not a citizen of the State of Michigan.

(D) Defendant, Menard, Inc., had, at the time of commencement of this action, and now has, its principal place of business in the State of Wisconsin and is not a

citizen of the State of Michigan by reason of its principal place of business.

7. That this notice of removal is filed with this Court within 30 days of the issuing of the Summons as to this case on November 24, 2020, and within 30 days of the service of Plaintiff's Summons and Complaint on the Defendant, Menard, Inc., on November 30, 2020 (**Exhibits A and B**). Therefore, this removal is filed within 30 days of commencement of this action and the service on this Defendant as required by 28 USC §1446(b).

8. That written notice of filing this removal has been given to all adverse parties as required by law and a copy of the Notice of Removal has been filed with the Clerk of the Court for the County of Macomb, State of Michigan by email-filing.

9. Attached is a copy of all process and pleadings which were served upon the Defendant in this cause (**Exhibits A and B**).

WHEREFORE, Defendant, Menard, Inc., herein, respectfully prays that this Honorable Court enter its order for removing this cause from the Circuit Court for the County of Macomb, State of Michigan, to the United States District Court, Eastern District of Michigan, Southern Division.

Date: December 1, 2020

/s/Mark Shreve
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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: All ECF Attorney(s) of Record on this case.

and I hereby certify that I have mailed by United States Postal Service the paper to the following:

JEFFREY T. STEWART
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535 Griswold St., Ste. 2632
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s/Mark Shreve
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